

Attorney's Docket No. 3139-010574

**NOTICE OF APPEAL TRANSMITTAL LETTER**

**MAIL STOP AF**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Serial No.: 09/935,478  
Examiner: Wendy C. Haas  
Invention: "Strawberry Variety Named 'Sable'"

Filing Date: August 23, 2001  
Group Art Unit: 1661

Transmitted herewith is an Amendment in the above-identified application.

- ☐ Small Entity Status is/has been asserted for this application under 37 CFR 1.27.  
☐ A verified statement to establish small entity status under 37 CFR 1.27 is enclosed.  
☐ No additional fee is required.  
☒ The fee has been calculated as shown below:

	No of Claims After Amendment	Highest No. Previously Paid For	Present Extra	Small Entity Rate	Non-Small Entity Rate	Charge
Total	<u>1</u>	<u>20</u>	<u>0</u>	x \$ 9.00	x \$ 18.00	\$ <u>N/A</u>
Indep.	<u>1</u>	<u>3</u>	<u>0</u>	x \$ 42.00	x \$ 84.00	\$ <u>N/A</u>
First Presentation of Multiple Dependent Claim/s				+ \$140.00	+ \$280.00	\$ <u>N/A</u>
TOTAL ADDITIONAL FEE						\$ <u>N/A</u>

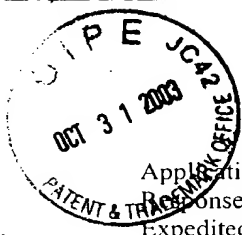
- ☒ A check in the amount of \$330.00 is enclosed to cover the filing fee for the Appeal Brief.  
☐ A check in the amount of \$ \_\_\_\_\_ is enclosed for a one-month Petition for Extension of Time.  
☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.  
☒ Any additional filing fees required under 37 CFR 1.16.  
☒ Any patent application processing fees under 37 CFR 1.17.

October 29, 2003  
Date

By Patricia A. Olosky  
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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on October 29, 2003.

Theresa Ulinski  
(Typed name of person depositing mail)  
Theresa Ulinski 10/29/2003  
Signature Date



Application No. 09/935,478  
Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Notice of Appeal Dated October 29, 2003  
In Reply to USPTO Office Action Dated July 29, 2003  
Confirmation No. 8979  
Attorney Docket No. 3139-010574

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 09/935,478  
Applicant : Andrew R. Jamieson  
Filed : August 23, 2001  
Title : "Strawberry Variety Named 'Sable'"  
Group Art Unit : 1661  
Examiner : Wendy C. Haas

MAIL STOP AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated July 29, 2003 of the Primary Examiner finally rejecting claim 1. A supporting Appeal Brief will be filed in due course.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on October 29, 2003.

Theresa Ulinski

(Typed name of person mailing paper)

*Theresa Ulinski*

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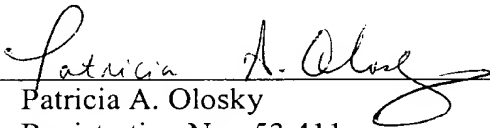
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Application No. 09/935,478  
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Expedited Procedure  
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Attorney Docket No. 3139-010574

Pursuant to 37 C.F.R. §1.17(b), a check in the amount of \$330.00 is enclosed herewith to cover the cost of filing the Notice of Appeal. The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Notice of Appeal are enclosed.

Respectfully submitted,

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ORKIN & HANSON, P.C.

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